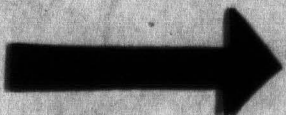


Department of Marine and Fisheries/Ministère de la Marine et des Pêcheries
Records of the Fisheries Branch/Archives de la Direction des pêches

RG 23, Volume 165



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Department of Marine and Fisheries/
Ministère de la Marine et des Pêcheries

RG 23, vol. 165
File/Dossier 583,
Part/partie 2

**PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA**

No. of File 583

Department of Marine and Fisheries

FISHERIES

SUBJECT

INDIAN SEINE FISHING.

GOWICHAN RIVER.

No. of File

583

PUBLIC ARCHIVES
RECORDS CENTRE

40046

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Department of Marine and Fisheries/
Ministère de la Marine et des Pêcheries

RG 23, vol. 165
File/Dossier 583,
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ADDRESS REPLY TO THE
SECRETARY DEPT OF INDIAN AFFAIRS
OTTAWA.



FILE No. 583
FISHERIES
JUN 18 1912
CORRESPONDENCE
LETTER No. 79602

Ottawa, June 7th, 1912.

Sir,

I have to inform you that the following telegram was
despatched today to Mr. F. H. Cunningham your officer at New
Westminster, "Kindly purchase nets for Fraser and Stuart Lake
Indians and arrange for delivery. Number required not known.
Have Cunningham direct with Indian Agent McAllen. Send accounts
to this Department."

It is hoped that Mr. Cunningham will be able to arrange
for the purchase and transportation of the nets which are allowed
under an agreement with these Indians.

Your obedient servant.

Asst. Deputy and Secretary.

A. Johnston, Esq.,

Deputy Minister of Marine & Fisheries,

Ottawa.

Department of Marine and Fisheries/
Ministère de la Marine et des Pêcheries

RG 23, vol. 165
File/Dossier 583,
Part/partie 2

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CANADA

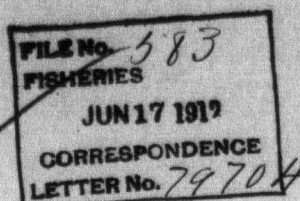
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Mr. P. 581415

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ADDRESS REPLY TO THE
SECRETARY DEPT OF INDIAN AFFAIRS
OTTAWA.



Ottawa, 12th June, 1912.

583
File June 1872
2

Sir:-

I beg to say that on the 7th June this Department telegraphed Mr. F.H. Cunningham, Chief Inspector of Fisheries, New Westminster as follows., "Kindly purchase nets for Fraser and Stuart Lake Indians and arrange for delivery. Number required not known here. Communicate direct with Indian Agent McAllan. Send accounts to this Department".

After the wire was sent the Department received a letter from Mr. McAllan, Indian Agent at Fraser Lake, submitting a list of Indian families affected by the barricade settlement. A copy of that letter has been sent to Mr. Cunningham for his further information in connection with the purchase of the nets. He has been told to submit to this Department for payment all accounts for nets purchased.

Your obedient servant,

Asst. Deputy and Secretary.

The Deputy Minister,
Marine & Fisheries,
Ottawa, Ont.



FILE No. 583
FISHERIES
JUN 19 1912
CORRESPONDENCE
LETTER No. 79834

4

Reference with previous part of file June 2, 1912

DOMINION FISHERIES, BRITISH COLUMBIA.

OFFICE OF THE CHIEF INSPECTOR,

New Westminster, June 11, 1912.

Refer to File 25.

*file 25
pg 2*

Sir,

In reply to your letter of the 7th March last, (No. 583) re Indian barricades in the Cowichan River, I may say Inspector Taylor now reports that the Indians have always given more or less trouble in Cowichan Bay and River. They are, however, conforming to the Fisheries regulations better every year, and if treated properly will soon give very little trouble. I may explain it is the old Indians that do most of the barricading, the younger ones of the tribe finding other occupations.

In January, Guardian Colvin destroyed 17 nets in the Cowichan River and two Indians were fined \$10 each and in addition, 460 lbs. of Steelhead were seized, which were being shipped to Vancouver. In February there were no set nets in the River. In March 7 set nets were destroyed at Cowichan River, belonging to Indians, but the owners could not be found. In April there were but two nets in Cowichan River. One was destroyed and the other was useless from being entangled around a fallen tree. In May two nets were destroyed in this River.

W. A. Found Esq.,

Superintendent of Fisheries,

Dept. of Marine and Fisheries,

Ottawa, Ont.

Department of Marine and Fisheries/
Ministère de la Marine et des Pêcheries

RG 23, vol. 165
File/Dossier 583,
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It is reported that there were more Spring Salmon caught by angling in Cowichan River this spring than for some years past and also the Trout have been plentiful at the mouth of the River.

Inspector Taylor remarks that the reports of illegal fishing are most unreliable, and that the information received by Overseer Galbraith come from unreliable sources and are not from personal observation.

Indian Agent Robertson has also been asked to report on the barricading by Indians of the Cowichan River and as soon as the same is received, a further communication will be addressed to you on the question.

I am, Sir,

Your obedient servant,

W. A. Found
Chief Inspector of Fisheries.

W. A. Found Esq.,

Superintendent of Fisheries,

Dept.

Copy.

125,847

6

Victoria, B. C.,

June 9th, 1913.

The Hon. T. W. Crothers, K.C.,

Acting Superintendent General of Indian Affairs,

OTTAWA.

Sir,-

During our visitation of the Reserves in the Cowichan Agency, North of here, the Indians constantly complained of the Fishing Laws and Regulations and the enforcement thereof.

The Commission explained, as fully as its knowledge admitted, the provisions of the Laws and regulations as to permitting Indians fishing for food in the close season, and promised to have the whole question examined into, with a view to its careful consideration by the Commission and the making of such recommendations as might appear to it, wise. The Commission also promised to inform the Indians, at as early a date as possible of the import of the Laws and regulations now in effect in respect to fishing.

One of the specific grievances of the Indians was the removal of weirs.

We returned on Saturday, and were surprised to learn, through a telephone message received from the Agent at Duncan, that on Sunday last two Fishery Inspectors - one Dominion and the other Provincial went to Cowichan River and removed a trap, which, we were given to understand, had been in the River for some

This was on Sunday June 8th (1913)

Department of Marine and Fisheries/
Ministère de la Marine et des Pêcheries

RG 23, vol. 165
File/Dossier 583,
Part/partie 2

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

time.

The Commission do not presume to pass upon the question as to the Policy of allowing such weirs as that removed by these Fishery Inspectors, but it does consider it rather impolitic that two Government Officials should proceed to such drastic action without the knowledge of the Commission, and immediately after it had endeavoured to satisfy the Indians that the fullest enquiry and most careful consideration would be given to their complaints.

It is not unlikely that the Indians may regard the actions of the Inspectors as a consequence of the visit of the Commission, and as a result a feeling of distrust may be spread amongst the Natives with respect to the Commission.

The Commission, would, therefore, be pleased if instructions could be given to Fishery Inspectors not to take such action as is herein referred to, without consulting the Commission in advance and affording an opportunity of submitting its views to the Government.

Yours obediently,

(Signed)

E. L. Wetmore,
CHAIRMAN.

Department of Marine and Fisheries/
Ministère de la Marine et des Pêcheries

RG 23, vol. 165
File/Dossier 583,
Part/partie 2

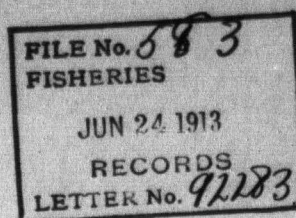
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CANADA**

IN YOUR REPLY REFER TO

No. 129,247.

ALSO TO THE DATE OF THIS LETTER.
PLEASE WRITE ON ONLY ONE SUBJECT
IN EACH LETTER.

ADDRESS REPLY TO THE
SECRETARY DEPT. OF INDIAN AFFAIRS,
OTTAWA.



Ottawa, June 19th, 1913.

Sir:-

I beg to enclose you herewith a copy of a letter addressed to the Acting Superintendent General of Indian Affairs by the Chairman of the Royal Commission on Indian Affairs for the Province of British Columbia.

It is highly important that the influence of the Commission should not be in any way impaired. I have to request that you will caution your Fishery Inspectors not to take such action as is herein referred to without consulting the Commission in advance.

*See letter
July 4/13
H.A. 7*

Your obedient servant,

Assistant Deputy and Secretary.

Alexander Johnston, Esq.,

Deputy Minister of Marine and Fisheries,

Ottawa, Ont.

Department of Marine and Fisheries/
Ministère de la Marine et des Pêcheries

RG 23, vol. 165
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Part/partie 2

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

9
July 5th, 1913.

WAF/LC

Sir,-

I beg to acknowledge your letter of the 19th ultimo, forwarding a copy of one from the Chairman of the Royal Commission on Indian Affairs in British Columbia, in which he urges that the Fishery Officers be instructed not to prohibit the use of weirs by the Indian in the Cowichan River, without first consulting with the Commission.

As you are aware, the use of such weirs or barricades is illegal. They are so constructed as to practically entirely preclude fish getting beyond them during the time that they are being fished. The Cowichan River is one of the most, if not the most important sport fishing river in British Columbia. It is frequented by several varieties of salmon, as well as by trout; but, if these are prevented by barricades from reaching their spawning grounds, depletion of the fisheries must follow.

As long ago as 1905, the Department's attention was called to the operation of these barricades by the Cowichan Indians, and the Inspector of Fisheries for the district was instructed to investigate the matter. He visited the river in company with Mr. Robertson, the representative of your Department, and after full discussion with the Indians, it was arranged that the barricades should be allowed to remain in the river that season on condition that

WAF
The Assistant Deputy and Secretary,
Department of Indian Affairs,
Ottawa.

Department of Marine and Fisheries/
Ministère de la Marine et des Pêcheries

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Part/partie 2

8

that they would be left open each Saturday and Sunday, and before the Indians left the locality, they were to remove them altogether. The Inspector recommended that the next year the weirs be not allowed at all. Their entire removal the next year was not insisted upon; but their operation was carefully followed and the number has been reduced from time to time, as it is this Department's policy to give every feasible consideration to the Indians.

The information before the Department last year was to the effect that the fisheries in the Cowichan were in a serious condition, and that if harriocading and illegal netting by the Indians were not stopped, they would soon be exhausted.

After careful consideration of the matter, an Officer was appointed to give his whole time and attention to this river. He was instructed to absolutely prevent illegal fishing. He would be acting on these instructions when the action complained of by the Commission was taken by him.

These Indians are so located that it is not difficult for them to earn a livelihood. Besides, their reservations contain excellent agricultural land. In the public interest, it is essential that the fisheries of the Cowichan River should be preserved. Hence, it would not be desirable to countenance the infraction of the law that would be involved in allowing the continuance of the Indian weirs.

I am, Sir,

Your obedient servant,

W. A. Pound,

For Deputy Minister of Marine and Fisheries.

It is not my
understanding that
this Comm. has
anything to do with
the regulation of the
fisheries.

If the Minister
approves, the attached
letter will be sent
the Indian Affairs.

ltd 7

5.7.13

P.D.H.

IN YOUR REPLY REFER TO

No. 128847

ALSO TO THE DATE OF THIS LETTER.

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ADDRESS REPLY TO THE
SECRETARY DEPT. OF INDIAN AFFAIRS,
OTTAWA.



FILE No. 583
FISHERIES

JUL 10 1913
RECORDS
LETTER No. 92927

Ottawa, 8th July, 1913.

Sir,

I beg to acknowledge the receipt of your letter of the 5th instant, in further reference to the subject of the enforcement of the fishery regulations amongst the Indians of British Columbia, and particularly with respect to the use of weirs on the Cowichan River; and in reply I may say that it would seem that you have not clearly understood this Department's intention in communicating with you. No desire was expressed that infractions of the law be countenanced. The intention was merely to state that it seemed advisable that the Royal Commission on Indian Affairs in British Columbia should be communicated with before definite action is taken, in order that the minds of the Indians might be prepared for any contemplated action. Such a course would also tend to strengthen the hands of the Commission

See letter of July 15/13

Your obedient servant.

The Deputy Minister

of Marine & Fisheries,
Ottawa.

Longman
Asst. Deputy & Secretary.

Department of Marine and Fisheries/
Ministère de la Marine et des Pêcheries

RG 23, vol. 165
File/Dossier 583,
Part/partie 2

PUBLIC ARCHIVES
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CANADA

583
WAF/McK.

July 16th, 1913.

Sir,-

I beg to acknowledge your letter of the 8th instant further with regard to the operations of weirs by the Indians in the Cowichan River. It would seem from your letter that you are under the impression that such weirs are not illegal. They are, however, a distinct violation of the law, but as was previously explained, the Department has shown every liberality in the enforcement of such law. The information on file makes it clear, however, that the public interest demands that the fish resorting to the Cowichan River should have free access to the spawning grounds therein.

I am, Sir,

Your obedient servant,

A. Johnston.

Deputy Minister of Marine and Fisheries.

The Assistant Deputy and Secretary,

Department of Indian Affairs,

Ottawa.

Department of Marine and Fisheries/
Ministère de la Marine et des Pêcheries

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Part/partie 2

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ADDRESS REPLY TO THE
SECRETARY DEPT. OF INDIAN AFFAIRS
OTTAWA



FILE No. 583
FISHERIES

21
RECORDS
LETTER No. 9329

Ottawa, July 19, 1913.

Sir,

I beg to acknowledge receipt of your letter of the 16th inst., in further reference to the subject of the enforcement of the fishery regulations amongst the Indians of British Columbia particularly with respect to the use of weirs on the Cowichan River. In reply I beg to state that the Department is aware that the use of such weirs or barricades is illegal and it is not the intention of the Department in any way to express any desire that infractions of the law be countenanced.

File lost July 24/13
The Department would, however, renew the request that your official inspectors be instructed to communicate with Royal Commission on Indian Affairs for the Province of British Columbia before taking any action with respect to such weirs or barricades which may be operated on Indian reserves throughout the Province of British Columbia.

Your obedient servant,

Asst. Deputy and Secretary.

Deputy Minister of Marine and Fisheries,
O t t a w a .